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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,502	01/27/1999	YOSHIKAZU KOBAYASHI	Q52863	6211

7590 05/18/2006

SUGHRUE MION ZINN MACPEAK AND SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20037

EXAMINER
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BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/238,502

Applicant(s)

KOBAYASHI, YOSHIKAZU

Examiner

Walter F. Briney III

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12, 14, 22, 23, 27, 28, 32-37, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14, 22, 23, 27, 28, 32-37, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. **Claims 1-10, 12, 14, 22, 23, 27, 28, 32-37, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the PrimaSoft Dialer version 1.4 (Copyright 1995, 96 by PrimaSoft PC, Inc.).**

**Claims 1-10, 12, 14, 22, 23, 27, 28, 32-37, 46 and 47** are currently presented in the same manner treated in the Non-Final Rejection filed 27 December 2005, and are rejected for the same reasons presented therein.

### ***Response to Arguments***

Applicant's arguments filed 27 March 2006 have been fully considered but they are not persuasive.

**With respect to claim 1**, the applicant alleges on page 2, line 17, through page 3, line 15, of the current response that the PrimaSoft Dialer fails to teach or suggest "a second operation to: extract a telephone number from the stored string of character information," as recited in claim 1. In particular, the applicant alleges that the Dialer fails to extract a telephone number from a stored string of character information including non-numeric characters. The examiner respectfully disagrees.

Although not previously discussed, the PrimaSoft Dialer includes an Options button that launches an Options window (see figure 9 enclosed with this Office Action). Options include a modem dialing string, which is defaulted as ATD. The format of the

modern string evidences that the PrimaSoft Dialer is intended to cooperate with a Hayes-compatible modem. As is known, Hayes-compatible modems receive a dial string of the format: ATDTn, where 'T' enables tone dialing and 'n' represents a string to be dialed. Clearly, 'n' corresponds to the string entered in the "Number to Dial" input section of the main PrimaSoft Dialer window. It is further known that Hayes-compatible modems ignore all non-numeric characters (with very few exceptions, e.g. \* = , ; # + >). Alphabetic characters, whitespace, underscores, parentheses, dots, and dashes are all ignored. Therefore, even though the PrimaSoft Dialer does not explicitly extract only numeric characters of a telephone number, the underlying mechanism certainly does. The above inherent properties of Hayes-compatible modems are evidenced in the enclosed Extended ETSI Hayes AT command parameters article.

The above support notwithstanding, the applicant appears to be wrongly interpreting the scope of the claim language. In particular, on page 3, lines 4-7, of the current response, the applicant alleges that "the Dialer fails to teach or suggest, at least, extracting 'a telephone number from the stored string of character information' when the stored string of character information includes non-numeric alphabetical characters" [emphasis added]. However, the underlined section above is not in the claim. While the examiner agrees that the Dialer doesn't support the underlined section, there is no agreement that such a teaching is necessary to reject the claim. Therefore, as all of the applicant's arguments have been shown to be either moot or unpersuasive, the rejection of claim 1 is maintained.

The rejections of all claims not expressly treated above are maintained for the same reasons as claim 1.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**

WFB